

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-28 are currently pending in this application, with Claims 1, 4, 10 and 16 being independent. As indicated above, Claims 1 and 16 have been amended to correct antecedent basis. It is gratefully acknowledged that the Examiner has allowed Claims 4-15 and found allowable subject matter in Claims 19-28.

In the Office Action, Claims 1-3 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gao* (U.S. Pub. No 2003/0076793 A1) in view of *Sawyer* et al. (U.S. 6,539,004).

Regarding the §103(a) rejection of independent Claim 1, the Examiner states that each element of Claim 1 is taught, suggested or rendered obvious by *Gao* in view of *Sawyer*. More specifically, the Examiner admits that *Gao* does not disclose

transmitting information of a forward delay and reverse data frames of the digital voice signal, which is received from the mobile station, from the base station controller to the media gateway;

transmitting information of a reverse delay from the media gateway to the base station controller when the media gateway receives forward data frames of voice signals from a called party; and

receiving the information of the forward delay and the reverse delay and performing a control for the synchronization in the base station controller and the media gateway, respectively.

The Examiner asserts that *Sawyer* does, and that it would have been obvious to combine the teachings of *Sawyer* with the method of *Gao*. However, Applicants respectfully disagree.

To establish a prima facie case of obviousness under U.S.C. §103(a) based upon a

combination of references, the cited combination of references must disclose, teach or suggest all elements/features/steps of the claim at issue. See, e.g., In re Dow Chemical, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988) and In re Keller, 208 U.S.P.Q.2d 871, 881(C.C.P.A. 1981).

However, *Sawyer* merely discloses a method and apparatus for transmitting packets from a source of such packets to one or more radio station sites so that the radio station sites can transmit the packets at the correct real time. More specifically, each radio site has an independent source of exact time based on the reception of signals derived from satellite inputs. Using the real time calculated by a base station, the base station calculates an offset between the time of arrival of a signal with a specified time marker, and the time that a signal with that specified time marker should have arrived in order to be transmitted in a timely fashion. The offset is sent back to the source of packets, i.e., mobile switching center, and used by the source of packets to advance, or delay, the transmission of future packets.

Accordingly, it is respectfully submitted that *Sawyer* merely teaches a calculating method of calculating offset time of received packets by the base stations and a method of compensating offset time by a mobile switching center. Therefore, the interpretation asserted by the Examiner is not supported by the disclosure of *Sawyer*. That is, it is respectfully submitted that there is no section of *Sawyer* that teaches or discloses transmitting information of a reverse delay from the media gateway to the base station controller when the media gateway receives forward data frames of voice signals from a called party; and receiving the information of the forward delay and the reverse delay and performing a control for synchronization in the base station controller and the media gateway, respectively, as recited in independent Claim 1.

Further, *Gao* merely shows systems and methods for controlling vocoding functions that are implemented in a media gateway. Specifically, in *Gao*, when a radio access network (RAN) needs to send signaling messages to a mobile station, it sends a control message to a media gateway specifying both a constraint rate and a frame count that the media gateway uses to

temporarily constrain the rate of one or more voice frames. This allows the RAN to insert signaling information into these rate constrained frames using dim-and-burst signaling techniques.

It is respectfully submitted that the method of independent Claim 1 for synchronizing transmission/reception time for delay in transmission/reception of a data frame of a voice signal is patentably distinct from *Gao*, in that the system of *Gao* does not teach transmitting information of a forward delay/a reverse delay with data frames of a digital voice signal and receiving the information of the forward delay/the reverse delay with data frames of a digital voice signal for performing a control for synchronization in a base station controller and the media gateway, respectively, as recited in independent Claim 1. More specifically, there is no section of that *Gao* makes any teaching of simultaneously sending delay information with data frames of the digital voice signal.

Accordingly, based at least on the argument above, it is respectfully submitted that independent Claim 1 is patentable over *Gao* in view of *Sawyer*, and therefore, it is respectfully requested that the rejection of Claim 1 under 35 U.S.C. §103(a) be withdrawn.

Independent Claim 16 recites similar features as those discussed above regarding independent Claim 1. Therefore, it is respectfully submitted that independent Claim 16 is also patentable over *Gao* in view of *Sawyer*, for at least the same reasons presented above for Claim 1. Accordingly, it is respectfully requested that the rejection of independent Claim 16 also be withdrawn.

Claims 2, 3, 17 and 18 are each dependent, either directly or indirectly from independent Claims 1 and 16. While not conceding the patentability of the dependent claims, *per se*, it is respectfully submitted that these dependent claims are also believed to be patentable for at least the same reasons as set forth above for independent Claims 1 and 16.

Again, it is gratefully acknowledged that Claims 4-15 are allowed.

Accordingly, all of the claims pending in the Application, namely, Claims 1-28 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road, Suite 210E
Melville, New York 11747
Tel: (516) 228-3565
Fax: (516) 228-8475